

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

No. 04CV12333 MEL

CASAS, BENJAMIN & WHITE, LLC  
Plaintiff,

v.

THE POINT GROUP, INC.,  
GERALD S. FREID; BARRY FREID;  
KEY CORPORATE CAPITAL, INC.  
Defendants.

AFFIDAVIT OF GRACINE COPITHORNE

Now comes Gracine Copithorne, upon her oath, and makes the following affidavit:

1. I am an Assistant Vice-President of Century Bank and Trust Company ("Century Bank") and Keeper of the Records. In my official capacity, I received the Subpoena in a Civil Case issued to the Keeper of Records of Century Bank dated May 10, 2005 ("Subpoena").

2. On May 17, 2005, I spoke with Stephen F. Gordon who identified himself as attorney for the bank customers listed on Schedule A to the Subpoena. Attorney Gordon, on behalf of those persons listed on Exhibit A to the Subpoena who are customers of Century Bank, objected to the Bank's production of their private banking records. I told Mr. Gordon that he would have to confirm his objection to me in writing and provided him with my fax number.

3. On May 17, 2005, the same day that I spoke with Attorney Gordon, I received from him, by facsimile, his letter dated May 17, 2005, a true copy of which, in the form received by fax, is attached to this Affidavit as Exhibit A.

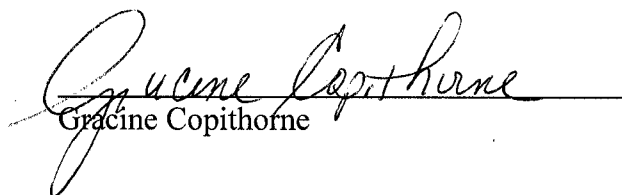
4. Thereafter, I sent to Attorney Michael Bernardo a letter mistakenly dated May 16, 2005 (the letter should have been dated May 17, 2005).

5. On May 18, 2005, I received by mail a copy of Attorney Gordon's May 17, 2005 letter. A true copy of the envelope in which it arrived is attached to this Affidavit as Exhibit B.

6. On May 19, 2005, I received a call from an attorney representing Casas, Benjamin & White who asked me for a copy of the written objection I had received from Attorney Gordon. In order to send the most readable copy of Attorney Gordon's letter, I, within minutes after receiving the request, faxed to the attorney making the request a copy of Attorney Gordon's mailed version of his May 17, 2005 letter. I was concerned that if I faxed the previously faxed copy it might be difficult to read.

Further Affiant sayeth not.

Signed under the pains and penalties of perjury this 13<sup>th</sup> day of June, 2005.

  
Gracine Copithorne

P:\Clients\Pointe Group\CBW Plead\Aff of Copithorne.doc

# EXHIBIT A

MAY-17-05

03:36PM

FROM-Gordon Haley LLP

+617 261 0788

T-131

P.0827003

F-531

**GORDON HALEY LLP**  
COUNSELLORS AT LAW  
101 FEDERAL STREET  
BOSTON, MASSACHUSETTS 02110-1844  
(617) 261-0100  
FAX (617) 261-0789

May 17, 2005

By Facsimile and First Class Mail

Gracine Copperthorne, Esquire  
Century Bank and Trust Company  
400 Mystic Avenue  
Medford, Massachusetts 02155

Re: Casas, Benjamin & White, LLC v. The Pointe Group, Inc. et al  
(Subpoena issued to Keeper of Records, Century Bank and Trust Company, dated May  
10, 2005)  
USDC Case No. 04-CV-12333-MEL

Dear Ms. Copperthorne:

I am in receipt of a copy of the referenced subpoena. The following persons and entities strongly  
object to any production of their bank records by Century Bank absent a proper Order from the  
Court:

Freid & Tobin Venture Partners  
The Pointe Group, Inc.  
The Pointe Group Healthcare & Senior Living  
Hammond Pointe Nursing Home, LLC  
Cranberry Pointe Partnership  
Boylston Place at Chestnut Hill, LLC  
Cranberry Pointe Nursing Home, Inc.  
Chestnut Hill Life Care Realty, LLC  
Barry Freid  
Gerald Freid

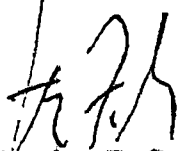
Should the party issuing the subpoena seek a Court order to compel production, I will, of course,  
be in further touch with you. In the meantime, each of the foregoing requests that the Bank make  
the appropriate objection to production of their bank records. They do understand, however, that

## GORDON HALEY LLP

Gracine Copperthorne, Esquire  
May 17, 2005  
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both they and the Bank are subject to any Court order and they know that you will, of course, fully comply with whatever the Court may require.

Very truly yours,



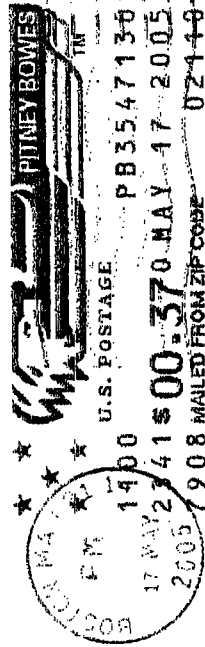
Stephen F. Gordon  
SFG:vsh

cc: The Pointe Group, Inc. (by electronic mail)

P:\Client\Pointe Group\CBW Corr\Copperthorne\01 05-17-05.doc

## EXHIBIT B

GORDON HALEY LLP  
COUNSELLORS AT LAW  
101 FEDERAL STREET  
BOSTON, MASSACHUSETTS 02110-1844



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